

The attached documents apply for the individual acceptance, review and action by the following named person on this page 2

Holli Sullivan, Indiana Secretary of State

State of Indiana
County of Marion

Notice of Intent to File Claim Against Your Risk Management Plan and Other
related Instruments

Notice To:

Holli Sullivan

Title: Secretary of State for Indiana

Address: 200 W. Washington Street, Room 201

Indianapolis, IN 46204

You have been served.

X _____

Name Printed:

1 42 U.S. Code § 1983 - Civil Action for Deprivation of Rights:

Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress, except that in any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable. For the purposes of this section, any Act of Congress applicable exclusively to the District of Columbia shall be considered to be a statute of the District of Columbia.

VIOLATIONS

a) § 21081 of the HAVA ACT – Verify votes cast – The voting system shall produce a record with an audit capacity for such system. Over half of the voting systems in Indiana have no voter verifiable paper audit trail, which is in direct violation of the HAVA Act. The importance of a voter verifiable paper audit trail cannot be understated. This is the sole mechanism by which votes can be verified in a post-election audit. A proper post-election audit would capture among other issues multiple same-person voter registrations and fraudulent application for absentee ballots, both violations of Indiana Code Sections 3-14-3-1.1 or 3-14-3-2.

b) Electronic voting system whose approval or certification expired on or before October 1, 2017, are in direct violation if the voting system:

(1) system includes a voter verifiable paper audit trail; and

(2) certification of that system by the commission has not expired.

c) Section 7 of The National Voter Registration Act of 1993. - The National Voter Registration act of 1993 (“NVRA”) requires States to keep voter registration lists accurate and current, such as identifying persons who have become ineligible due to having died or moved outside the jurisdiction. At the same time, NVRA requires list maintenance programs to incorporate specific safeguards, e.g., that they be uniform, non-discriminatory, in compliance with the Voting Rights Act, and not be undertaken within 90 days of a federal election. Secretary of State Sullivan hasn’t sought to maintain a uniform and non-discriminatory program to maintain accurate voter registration lists. In fact, maintenance of the voter registration lists is of paramount importance because a single errant voter disenfranchises a justifiable, properly registered voter. The last major voter roll accuracy test was conducted in 2016 – over 6 years ago. This violates the NVRA’s requirement to maintain accurate voter registration lists. The NVRA became effective in most states on January 1, 1995.

2. 42 U.S. Code § 1985 - Conspiracy to Interfere with Civil Rights:

If two or more persons in any State or Territory conspire to prevent, by force, intimidation, or threat, any person from accepting or holding any

office, trust, or place of confidence under the United States, or from discharging any duties thereof; or to induce by like means any officer of the United States to leave any State, district, or place, where his duties as an officer are required to be performed, or to injure him in his person or property on account of his lawful discharge of the duties of his office, or while engaged in the lawful discharge thereof, or to injure his property so as to molest, interrupt, hinder, or impede him in the discharge of his official duties.

VIOLATIONS

a) The Secretary of State does not oversee equal and uniform elections in the State of Indiana. You have sworn an oath to uphold the Constitution of the State of Indiana and the Constitution of the United States of America. You have failed to uphold Article 2, Section 1 - free and EQUAL elections. Hamilton County does not use the same election management system as Clark, as Ohio, etc. by using four different vendors and five different casting methods statewide. No equality or uniformity.

b) The Indiana Election Commission, under your purview and who is appointed not elected, is moving ahead with technology without legislative oversight.

c) Before the November, 2020 election, the U.S. Election Assistance Commission notified ES&S and Bradley King of the Indiana Election Division that Indiana's pollbooks were unsecure and that the software upgrades failed

the hash validation process, an important procedure on a certified system. ES&S is still a vendor in our current elections.

3. 3-307. Notice of Breach of Fiduciary Duty:

a) "Fiduciary" means an agent, trustee, partner, corporate officer or director, or other representative owing a fiduciary duty with respect to an instrument.

b) "Represented person" means the principal, beneficiary, partnership, corporation, or other person to whom the duty stated in paragraph (1) is owed.

VIOLATIONS

a) As the State's Highest Election Official, you have breached the duty to serve and uphold the constitution for the voters in your state.

b) You committed a campaign fundraising violation for the 2022 election campaign by beginning five days earlier than allowed under changes to state law signed by Gov. Eric Holcomb.

c) Coerced and promoted Safe and Secure Elections:

1) even after being made aware by the EAC that ES&S has vulnerability issues per email to Brad King of 9-20 and still allowing their usage in the State; and

2) stating in your 2021 Strategic Plan that you are aware the election management systems are and have been vulnerable but

continue to follow through in your directive to 'Communicate' the 'Safe and Secure' Message statewide until 2025.

d) Spending government funds and taxpayers' dollars (bad expenditure) on hackable election systems, providing clerks' cybersecurity monthly contract fees and the like.

e) Paying VSTOP with Indiana Grant Monies and Risk Limiting Audit reimbursements for the appearance of proper auditing. RLAs are not designed to capture substantive areas of election abuse and errancy, such as cybersecurity flaws, and assurance that votes and registrations are not accessed and manipulated online.

f) The Secretary of State has a fiduciary duty to all the clerks, paid and volunteer election workers/watchers and voters in Indiana. You have breached the duty to serve this community and uphold the Constitution of the United States and the Constitution of the State of Indiana. Unlawfully conducting different elections processes from county to county, hiding behind a SOS paywall, communicating your Directives of Safe and Secure Elections from your 2021 Strategic Plan, only requiring 10% VVPAT in your 2022 legislation push, and a vote of no confidence by the citizens of this State. You have violated the trust of your constituents. You were appointed by Governor Eric Holcomb to serve the people in a lawful manner outlined in the Constitution of the State of Indiana and the United States of America.

g) The lack of transparency in the Indiana Access to Public Records Act § 5-14-3-1 requests provided.

h) Systems used in the election were not certified and had known problems.

i) Using Windows 7 as operating systems for the election management systems which have been out of updates since January 14, 2020.

j) Not updating voter registrations (SVRS) with change of addresses so that cross-county and/or phantom voting can occur.

k) Per IC 3-11-15-61 machines are Connected to the Internet via ePollbooks.

l) The Indiana General Assembly modified election law effective July 1, 2021. A computer or electronic device with a voting system or election management software may not be connected to the Internet and any network that connects to another computer or electronic device. The VSTOP Protocol asks a testing question about systems containing wireless capabilities. All VSTOP testing methods and protocols on all election management or voting systems must be fully transparent, made available to the public, and subject to independent scrutiny. There is a difference between “are not connected to the internet and CANNOT be connected to the internet”.

m) Violation of audit trail information as defined in IC 3-5-2-53. A voting system is the total combination of mechanical, electromechanical, or electronic equipment (including the software, firmware, and documentation required to program, control, and support the equipment) which is used to define ballots, to cast and count votes, to report or display election results, and to maintain and produce any audit trail information. There is no audit trail for over half of Indiana's machines unless you do forensic imaging of the machine. If no audit trail information is available, then these machines are out of compliance and must be pulled. Even 10% by 2024 is not in compliance.

n) We have no Voter Verifiable Paper Audit trail (VVPAT) in 57% of our State's Counties.

o) You request VSTOP to confirm system security against tampering while votes are being recorded as required in IC 3-11-7.5-16. In your Strategic Plan, you state the known vulnerabilities in our systems. You should be CONFIRMING with a requirement for the vendor to provide a detailed written description of how all "ballot[s] cannot be tampered with or altered at any time."

4. IC 5-14-3.8-3.5(c) Political Subdivision contracts

"A political subdivision shall upload a digital copy of a contract to the Indiana transparency Internet web site one (1) time if the total cost of the

contract to the political subdivision exceeds fifty thousand dollars (\$50,000) during the term of the contract.”

VIOLATION:

Contracts with election service providers are not made publicly available even though they are clearly value over \$50,000. For example, contract reference number EDS 27-21-63 is not available to the public without redactions, is not posted on the Indiana transparency Internet web site.

5. 18 U.S. Code 2331 (802) Acts of Domestic Terrorism:

a) the term “domestic terrorism” means activities that—

(1) involve violent acts or acts dangerous to human life that are a violation of the criminal laws of the United States or of any State:

b) appear to be intended—

(1) to intimidate or coerce a civilian population;

(2) to influence the policy of a government by intimidation or coercion.

VIOLATIONS

a) You, as Secretary of State and overseer of the Indiana Election Division, Indiana Election Commission and VSTOP, have allowed our elections to be weaponized with the usage of electronic hackable election management systems through coercion over the State elections that have affected our votes being dropped, added or possibly changed (at least by

method) in voting history files as well as pushing Voting Centers which require WI-FI and the centralization of our SVRS;

b) Allowing the use of CTCL, a group run by Tianna Epps-Johnson, to aid and assist over half of our state's counties with election training and teaching modules on cybersecurity, communicating the message of safe and secure elections and much more. CTCL has been proven to be a vote harvesting, or vote trafficking, operation in Wisconsin and other states.

**A BOND CLAIM MAY BE FILED AGAINST YOUR SURETY LIABILITY
INSURANCE POLICY IF THESE MANDATES DO NOT STOP TODAY**

- 1) Amount Owed to Notifying Party: \$50,000 per offense severally for each listed offense.
- 2) This notice is provided to inform you that the Notifying Party has provided the above descriptions of the unconstitutional and illegal actions that have disenfranchised my vote. If these election machines are not eliminated by July 4, 2022, I will seek damages for the full amount listed above.
- 3) If this action does not stop by July 4, 2022, the Notifying Party will file a claim against your blanket fidelity bond through Merchants Bonding Company. You have until July 4, 2022 to initiate correction of these violations within all 92 counties of the State. This includes the following:
 - a) All Election Management Systems in the State of Indiana must be returned to vendors or destroyed, including all e-pollbooks.

- b) All elections including delegate conventions must use paper ballots or ballots similar to the Arizona Ballot Integrity Program with QR codes for reviewing their ballot post-election.
- c) All Vote Center Contracts must be revoked and voided in thirty (30) days.
- d) All election training, paper pollbook maintenance, day of vote personnel to be conducted through the Indiana Election Division, and not to be outsourced to a third party such as Democracy Works or any other NGO.
- e) Propose amendments to legislation regarding the elimination of any NGOs, private grants, individual fundings, PACs, from any and all election funding.
- f) We will have One Day of Voting; whereby eliminating the longest 'voting season' of any state in the United States.
- g) Mail-in ballots will be utilized for military and infirm or elderly voters ONLY and require signature and ID validation.
- h) Post-election audits will be done within 2 weeks consisting of a random hand recount of 10 counties of your choosing alongside the clerks. The number of your recount should match the clerks' numbers. This will occur for transparency and correctness and a daily stipend can be paid for recount workers.
- i) Cameras will record any hands that touch the ballots during hand counts with both a democrat and republican, to and including the recounts. Everything will be transparent.
- j) After the election, the 10 counties chosen for a recount will have a concurring door to door canvass of at least 10% of the registered voters to verify the accuracy of the voter rolls.

- k) The Statewide Voter Roll system will be decentralized and repealed from our State Law through a special session requested by you. New legislation shall be proposed allowing voters to show up at their precinct with a valid State ID and 2 pieces of mail showing the current residence to cast their ballot.
- l) Scanner for paper ballots must contain open source software for all to review. All ballot images must be reviewable by the public and placed on a secure system so that a voter can review their own ballot post-election to be sure it was counted as cast.
- m) Jay Bagga and Brian Byers are to be terminated immediately. Legislation to repeal VSTOP will be called for in an emergency session (since machines will not be used in the state).
- n) Secretary of State to propose legislative changes placing Indiana Election Commission back under the jurisdiction of the state legislators per constitutional construct prior to 2024 elections.